

Note: Refer to #6 on the *Legend of Recommendations* for an explanation of the strikeout/underline Xs.

**TRAINING AND TESTING**  
**SPECIFICATIONS FOR LEARNING DOMAIN #15**  
**LAWS OF ARREST**  
January 19, 2007 July 1, 2008

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X	X	X			X	
X	X	X			X	
X	X	X			X	
X	X	X			X	
X	X	X			X	
X	X	X			X	
X	X	X			X	X
X	X	X			X	X
X	X	X			X	X

I.

**LEARNING NEED**

Peace officers must have an understanding of the amendments to the U.S. Constitution, and similar sections of the California Constitution that are related to the authority, liability, and responsibility they have in making arrests.

**LEARNING OBJECTIVES**

- A. Recognize a peace officer's ~~role~~ responsibility in relation to the protections and rights included in the following amendments to the U.S. Constitution and related California Constitution sections:(1)
1. Fourth Amendment
  2. Fifth Amendment
  3. Sixth Amendment
  4. Fourteenth Amendment
- B. Recognize a peace officer's ~~role~~ responsibility in relation to the protections included under federal civil rights statutes (1)

II.

**LEARNING NEED**

Peace officers must recognize that a consensual encounter is a face-to-face contact with a ~~private~~ person under circumstances which would cause ~~that they can not exert authority, and the~~ a reasonable person reasonably to believes they ~~can~~ are free to leave or otherwise not cooperate ~~at any time.~~ (1)

**LEARNING OBJECTIVES**

- A. Recognize appropriate conduct during a consensual encounter
- B. Recognize conduct that may elevate a consensual encounter
- C. Recognize the consequences of elevating a consensual encounter

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X	X	X	<u>X</u>		X	X
X	X	X			X	X
X	X	X	<u>X</u>		X	X
X	X	X			X	X
X	X	X	<u>X</u>		X	X
X	X	X	<u>X</u>		X	X
X	X	X	<u>X</u>		X	X
X	X	X	<u>X</u>		X	X
X	X	X			X	X
X	X	X			X	X
X	X	X			X	X

### III. LEARNING NEED

~~Peace officers must recognize To execute the appropriate actions, peace officers must recognize~~ that a temporary detention is an assertion of authority that is less than an arrest but more substantial than a consensual encounter. (1)

#### LEARNING OBJECTIVES

- A. Differentiate between a detention and a consensual encounter
- B. Recognize reasonable suspicion
- C. Recognize appropriate peace officer actions during a detention
- D. Recognize the scope and conditions for warrantless searches and seizures during a detention
- E. Recognize conditions where the use of force or physical restraint is appropriate during a detention

### IV. LEARNING NEED

Peace officers must know and comply with the statutory rules of arrest in order to properly exercise their authority and responsibility; ~~and to while~~ avoiding potential liability when making arrests. (1)

#### LEARNING OBJECTIVES

- A. Recognize when there is probable cause to arrest
- B. Identify elements of a lawful arrest
- C. Differentiate between arrest and detention
- D. Recognize information that must be given to an arrested person
- E. Recognize elements of a warrantless arrest for a misdemeanor
- F. Recognize elements of a warrantless arrest for a felony

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X	X	X			X	X
X	X	X			X	X
X	X	X			X	X
X	X	X			X	X
X	X	X			X	X
X	X	X			X	X
X	X	<u>X</u>	X		X	X
X	X	<u>X</u>	X		X	X
X	X	<u>X</u>	X		X	X
X	X	<u>X</u>	X		X	X
<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>		<u>X</u>	<u>X</u>
<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>		<u>X</u>	<u>X</u>
X	X	<u>X</u>	X		X	X
X	X	<u>X</u>	X		X	X

G. Recognize elements of a warrant arrest

H. Recognize the requirements for entry into a dwelling to make an arrest (1)

I. Recognize the authority for a private person arrest and the peace officer's duty in response to a private person arrest

J. Recognize conditions under which the use of force or physical restraint is appropriate during an arrest

K. Recognize the statutory requirements for the disposition of an arrested person

L. Recognize the exceptions to the powers to arrest

#### V. LEARNING NEED

When conducting a custodial interrogating interrogation, ~~a suspect who is in custody~~, peace officers must follow Miranda procedures to ensure that any answers they obtained will be admissible in court. (1)

#### LEARNING OBJECTIVE

A. Identify the purpose of the Miranda warnings

B. Recognize when Miranda warnings must be given

C. Identify the proper administration of Miranda warnings

D. Recognize the impact of invoking: ~~either the right to remain silent or the right to counsel~~ (1)

1. The right to remain silent (1)

2. The right to counsel (1)

E. Recognize the types of Miranda waivers

F. Recognize the exceptions to the Miranda rule

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X	X	X	X		X	
X			X		X	
X	X	X	X		X	
X			X		X	
X			X		X	
X					X	
X				X	X	
		<u>X</u>				
			<u>X</u>			
	X					
						X
X		<del>X</del>	<u>X</u>		X	X

#### VI. LEARNING NEED

To develop admissible evidence while ensuring the constitutional rights of all individuals, peace officers must be aware of and correctly follow standardized practices for conducting crime scene interviews and interrogations.

#### LEARNING OBJECTIVE

- A. Differentiate between an interview and interrogation
- B. Identify the purpose of an interrogation
- C. Differentiate between an admission and confession
- D. Identify the conditions in which a confession or admission may be inadmissible in a court of law.

#### VII. REQUIRED TESTS

- A. The POST-Constructed Knowledge Test on the learning objectives in Domain #15.
- B. The POST-Constructed Comprehensive Mid-Course Proficiency Test ~~will include learning objectives in Domain #15.~~ (1)
- C. The POST-Constructed Comprehensive End-of-Course Proficiency Test ~~will include learning objectives in Domain #15.~~ (1)
- D. The POST-Constructed Comprehensive Module III End-of-Proficiency Test. (8)
- E. The POST-Constructed Comprehensive Module II End-of-Proficiency Test. (8)
- ~~F. The POST-Constructed PC 832 Arrest Written Test will include learning objectives in Domain #15. (1)~~
- ~~G. The POST-Constructed Comprehensive Test for the Requalification Course will include learning objectives in Domain #15. (1)~~

#### VIII. REQUIRED LEARNING ACTIVITIES

- A. The student will participate in one or more learning activities from the POST-developed *Instructor's Guide to Learning Activities for Leadership, Ethics and Community Policing (December 2005)* or other comparable sources regarding laws of arrest. At a minimum, each activity or combination of activities, must address the following topics:

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	832	III	II	I	SIBC	
X		✕	<u>X</u>		X	X
X		✕	<u>X</u>		X	X
X		✕	<u>X</u>		X	X
X		✕	<u>X</u>		X	X
X			X		X	
X			X		X	
X			X		X	
X			X		X	
12	5	<del>7</del> <u>5</u>	<del>5</del> <u>7</u>		12	6

1. Use of analysis in the development of probable cause for consensual encounters, detentions and arrests
2. Role of peace officer discretion in using arrest as a tool of enforcement to resolve problems and focus on quality of life issues
3. Officer accountability and responsibility as it relates to laws of arrest
4. How a peace officer's conduct and attitude affects the officer, officer's agency and the community

B. The student will participate in a learning activity addressing interviews or interrogations. The discussion must minimally address the following issues:

1. Mechanics of the interview process
2. Location and physical environment
3. Interviewer's actions and style
4. Types of questions

IX. HOURLY REQUIREMENTS

Students shall be provided with a minimum number of instructional hours on laws of arrest.

X. ORIGINATION DATE

January 1, 2001

XI. REVISION DATE

October 1, 2001  
January 1, 2002  
January 1, 2004

September 15, 2004  
January 1, 2006  
January 19, 2007

July 1, 2008